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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JEFFERY M. KINZLE,

10 Petitioner,

Case No. C14-703-JCC-MLP

11 v.

12 MIKE OBENLAND,

13 Respondent.

ORDER DIRECTING RESPONDENT TO  
FILE A REPLY TO PETITIONER'S  
RESPONSE

14 This is a federal habeas action brought under 28 U.S.C. § 2254. On September 25, 2018,  
15 Petitioner, through counsel, filed a motion for leave to file a third amended petition under § 2254  
16 together with a proposed third amended petition. (Dkt. ## 59, 60.) On November 5, 2018, the  
17 Court granted Petitioner's motion for leave to file his third amended petition and directed  
18 Respondent to file an answer thereto. (Dkt. # 63.) Respondent filed his answer on February 6,  
19 2019 and, on April 15, 2019, Petitioner's counsel filed a reply brief in support of the petition.  
20 (Dkt. ## 66, 71.) Petitioner's reply brief is properly construed as a response to Respondent's  
21 answer. (See Dkt. # 63, ¶ 2.) While Respondent was provided an opportunity to file a reply brief  
22 in support of his answer, he elected not to do so. The Court has now reviewed the briefing of the

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1 parties, and the balance of the record, and concludes that a reply brief from Respondent which  
2 addresses the arguments raised in Petitioner's response to Respondent's answer would aid the  
3 Court in its resolution of Petitioner's federal habeas claims.

4 Accordingly, the Court hereby ORDERS as follows:

5 (1) Respondent shall file a reply brief which addresses the arguments set forth in  
6 Petitioner's response to Respondent's answer to Petitioner's third amended habeas petition not  
7 later than **July 5, 2019**. Respondent's answer (Dkt. # 66) is RE-NOTED on the Court's calendar  
8 for consideration on that date.

9 (2) The Clerk is directed to send copies of this Order to all counsel of record and to  
10 the Honorable John C. Coughenour.

11 DATED this 4th day of June, 2019.

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14 MICHELLE L. PETERSON  
United States Magistrate Judge  
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